THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5456 of 2007

Dated: 16-03-2007

Between:

Komarabathini Nagarjuna and others.

..... PETITIONERS

AND

The Government of A.P., Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.5456 of 2007

ORDER:

The petitioners were in occupation of land admeasuring Acs.2.20 gts, Acs.2.20 gts and Acs.5.14 gts, respectively, in survey No.62 situated at Pallepalem Village, Khammam Rural Mandal, Khammam District, for about two decades. Fourth respondent initiated action under the provisions of the Andhra Pradesh Land Encroachment Act, 1905 (the Act, for brevity). By impugned order dated 05.03.2007, fourth respondent ordered eviction of the petitioners and issued notice under Section 6 of the Act. Aggrieved by the same, the petitioners preferred an appeal on 08.03.2007 before third respondent. They also filed an application for interim stay pending the appeal, which is pending. Meanwhile, fourth respondent appears to have issued an auction notice on 09.03.2007 proposing to conduct auction of the usufruct of the mango trees, which were standing on the land. Apprehending that the auction might be conducted, they filed instant writ petition.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General-T). It is brought to the notice of this Court that even while the appeal is pending before third respondent, the petitioners made an application/representation on 12.03.2007 seeking regularization/assignment of the land in their occupation. The petitioners do not claim any right to the Government land but now they are claiming a regular assignment in their favour. It is also not denied that they were in possession for over two decades. Keeping this in view, third respondent may dispose of the appeal within a period of one week from the date of receipt of a copy of this order. Till then, even if auction is conducted, the same shall not be confirmed.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

16th March, 2007

Note: Issue CC by 17.03.2007

B/o

ghn